

Notice of Allowability

Application No.

09/745,461

Examiner

Thomas M. Ho

Applicant(s)

SCHIER, JOHN E.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/16/05.
2. ☒ The allowed claim(s) is/are 1-5 and 7-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. Claims 1-5, 7-21 are pending; claim 6 has been canceled.

Applicant has filed a terminal disclaimer to obviate the double patenting rejection of 7/29/05. Applicant has also canceled claim 6 and amended claim 7 to depend upon independent claim 8, which was previously rejected under the double patenting rejection. Claim has been amended into independent form.

In reference to claim 8

Wilson discloses:

A data communication device operable to transmit and receive data messages to and from a data communication network, the device comprising:

- An encryption decryption engine under the control of the central processing unit and operable to execute a plurality of encryption programs, each of the encryption programs being different than the remainder of the plurality and each of the encryption programs operable to receive a message and to output an encrypted message. (Figure 5, Item 404) & (Column 4, lines 38-68)
- An encryption selection table accessible using a key value, the encryption selection table specifying at least one of the plurality of encryption programs associated with each key value. (Figure 5, Item 407, 408, 409) & (Column 4, lines 38-68)

Art Unit: 2134

- A communication interface operable to transmit an encrypted message to the user of the device, the encrypted message encrypted using the at least one encryption program specified in the encryption selection table. (Column 5, lines 10-25)

Wilson fails to explicitly disclose a central processing unit operable to interface with user of the device through a user interface;

The Examiner had previously taken official notice that using a central processing unit to interface with the user of a device through a user interface was well known at the time of invention.

Using a CPU to interface with a user allows the user of a computer system to direct the actions he or she wishes the computer to perform. For example, typing data into a word processor to create this document is one such example.

Wilson however also fails to disclose an encryption selection table

- Wherein the key value comprises a table value key and further comprising a user interface operable to prompt a user of the device and receive a public variable key value and a periodic key value, the table key value calculated as a function of at least one or both of the public variable key value and the periodic key value.

No art has been found which discloses this recitation, nor can any motivation be found to perform such a limitation. Accordingly, newly amended claim 8 is allowable.

Excluding the double patenting rejection issued 7/29/05, Claim 1 was previously presented as allowable for the reasons as already stated in the prosecution record arguments of 3/8/05 and 5/4/05.

Conclusion

2. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

September 28th, 2005



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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